



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: TLC Systems--Reconsideration

File: B-241402.4

Date: November 21, 1990

Sidney Earley for the protester.
Catherine M. Evans, David Ashen, Esq., and John M. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration is denied where protester did not submit bid under solicitation and therefore is not an interested party to protest award to another firm.

DECISION

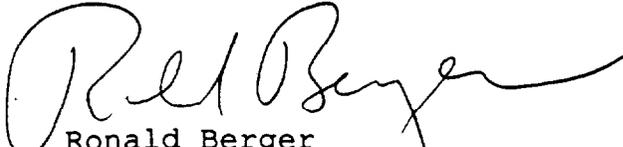
TLC Systems requests that we reconsider our dismissal of its protest of award of a contract to King-Fisher Company under invitation for bids (IFB) No. DAAC71-90-B-0029, issued by the Department of the Army for installation of a fire alarm system at Tobyhanna Army Depot, Tobyhanna, Pennsylvania. We dismissed TLC's protest by notice dated October 23, 1990, because TLC did not submit a bid under the solicitation, and therefore lacked the direct economic interest in the procurement to protest award to another firm.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C. §§ 3551(2) and 3552 (1988), and our Regulations, 4 C.F.R. §§ 21.0(a) and 21.1, our Office will consider a protest filed by an interested party, which is defined as an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract. TLC argues that it is an interested party to protest award to King-Fisher because its existing contract for maintenance of the fire alarm system will be affected if King-Fisher replaces components of the system with allegedly incompatible equipment. While TLC thus may claim some economic interest in the outcome of the procurement, it does not assert that we erred in viewing it as not an actual or prospective offeror.

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Its protest therefore properly was dismissed, see TLC Sys.,
B-230086, Feb. 26, 1988, 88-1 CPD ¶ 204, and there is no basis
for reconsidering the dismissal.

The request for reconsideration is denied.



Ronald Berger
Associate General Counsel